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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,317	11/28/2000	Hawley Knox Rising III	80398P330	2304
8791	7590	08/27/2003		
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR LOS ANGELES, CA 90025				EXAMINER BECKER, SHAWN M
			ART UNIT 2173	PAPER NUMBER
DATE MAILED: 08/27/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/727,317

Applicant(s)

RISING ET AL.

Examiner

Shawn M. Becker

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
2a) This action is FINAL.                  2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_ is/are allowed.  
6) Claim(s) 1-16 is/are rejected.  
7) Claim(s) \_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.  
    If approved, corrected drawings are required in reply to this Office action.  
12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
    1. Certified copies of the priority documents have been received.  
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.  
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
    a) The translation of the foreign language provisional application has been received.  
15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.  
4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

**DETAILED ACTION**

*Specification*

1. The disclosure is objected to because of the following informalities: on page 1, line 7 should be updated to include serial number --PCT/US00/42486-- for "A method and an Apparatus for Implementing a Key Frame".

Appropriate correction is required.

2. Claims 1, 6, and 13 are objected to because of the following informalities: the first instance of the acronym "KLV" in claims 1 and 6 should be accompanied by a written out description of what "KLV" stands for. In claim 13, "attaching" on line 5 and "modifying" on line 6 should be --attach-- and --modify--, respectively.

Appropriate correction is required.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1- 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,579,471 to Barber et al. (hereinafter Barber) and U.S. Patent No. 6,492,998 to Kim et al. (hereinafter Kim).

Referring to claims 1 and 6, Kim discloses a method and a storage medium including instruction stored thereon which when executed by cause a computer system to perform a

method comprising providing a key frame description comprising a list of key and value attribute groups, each attribute group comprising a key attribute (i.e. main location) and a value attribute (i.e. object, relationship, subordinate class). The method updates a key frame by modifying an attribute group by modifying a value attribute (i.e. place or object). See col. 2, lines 3-7, col. 2, lines 47 - col. 3, line 7, and col. 4, lines 20-28.

It is believed that the attribute groups of Kim implicitly include a length attribute as each value attribute is data that must occupy a certain amount of bytes; however, Kim does not explicitly disclose a length attribute or modifying a weight attached to at least one KLV attribute group. However, Barber teaches an image query system and method for retrieving images based on visual characteristics (values) that includes a length (i.e. size, distance) attribute and the modification of a weight attached to at least one KLV attribute group. See col. 6, lines 40-48, col. 9, line 65 - col. 10, line 2, col. 10, lines 25-42, and col. 12, lines 24-27.

It would have been obvious to one of ordinary skill in the art to modify the method of Kim to include a length attribute in order to allow for specification of the size of an image (key frame) as supported by Barber and to include a weight that is attached to at least one KLV attribute group in order to sort the best match images (key frames) as supported by Barber (col. 9, line 65 - col. 10, line 2).

Referring to claim 13, Kim discloses a processor (Fig. 3, 304 and 309) coupled to a memory (Fig. 3, 306, 307, 312) having stored therein instructions which when executed by the processor cause the processor to generate data and to attach a set of attributes in a key frame (col. 2, line 43 - col. 3, line 7). The user of Kim modifies the key frame (col. 4, lines 60-65 and col. 6,

liens 49-55). Kim discloses an interconnect coupled to the processor and the memory to allow data to be transported between the memory and the processor (Fig. 3).

Referring to claim 7, each attribute of Kim is configured to include a plurality of attribute groups. See col. 4, lines 20-36, which describe main objects and subordinate classes.

Referring to claims 2, 8, and 14, the attributes of Kim are placed in a universally recognizable format. See Figs. 16A-16C, for example.

Referring to claims 3, 5, and 10, the user of Kim sends a command to change (update) one of the key attribute and value attribute of the key frame. For example, see col. 6, lines 49-56.

Referring to claims 4, 11, and 16, Barber teaches a weight value [percentage], *supra*. Barber shows assigning the weight value to at least one attribute. See Fig. 7.

Referring to claim 9, Kim discloses sending a command to information in the key frame. For example, see col. 4, lines 60-65 and col. 6, lines 49-56.

Referring to claim 12, Kim discloses updating at least one semantic attribute. See col. 6, lines 49-56 as an example.

Referring to claim 15, a command is sent from an input/output device (Fig. 3, 311) to the processor to change information in the key frame. See col. 6, lines 49-56.

### ***Conclusion***

5. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach updating key frames through the use of attributes.

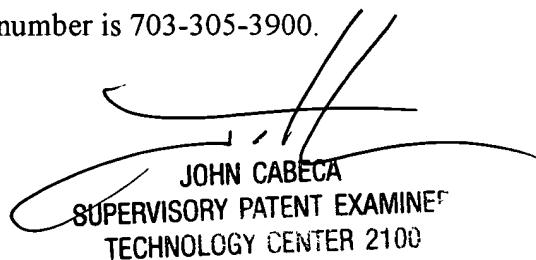
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Becker whose telephone number is 703-305-7756. The examiner can normally be reached on M-Th 8:00 - 5:30 and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on 703-305-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

smb



JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100